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**Filed** : July 30, 2003

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the May 13, 2004 Office Action for the above identified patent application. In the May 13, 2004 Office Action, the Examiner stated that Claims 7 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim. The Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) and objected to informalities in Claims 11 and 19 and to the form of Claim 12. The Examiner rejected Claims 1-5, 11-16, and 20 under 35 U.S.C. § 102(b) and Claims 6, 8-10, 17, and 19 under 35 U.S.C. § 103(a).

Claims 1-20 were pending in this application. Claims 1, 7, 12, 17, 18, and 19 are amended herein. New Claim 21 is added herein. Accordingly, Claims 1-21 remain pending for consideration.

#### **Allowable Subject Matter**

The Examiner objects to Claims 7 and 18 as being dependent upon a rejected base claim but has acknowledged that Claims 7 and 18 are allowable if rewritten in independent form including all of the limitations of base Claims 1 and 17, respectively. Claims 7 and 18 are rewritten herein as suggested by the Examiner. Therefore, amended Claims 7 and 18 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw the objection to Claims 7 and 18.

#### **Correction of Informalities in the Drawings and Specification**

The Examiner objects to the drawings under 37 C.F.R. § 1.84(p)(5), because the drawings do not include the reference number "46" that identifies the first support member channel in the specification. Figure 1B has been amended to include the reference number "46" for the first support member channel. Support for the amendment is found in paragraph [0039]. No new matter is added. The Examiner is requested to withdraw this objection to the drawings.

Informalities in the specification at paragraphs [0045] and [0046] have been corrected herein. No new matter is added.

Claims 1 and 17 are amended herein to better define Applicant's claimed invention. No new matter is added by the amendments.

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### **Response to the Objections to Claims 11, 12, and 19**

The Examiner objects to Claims 11 and 19 because of the following informalities: in line 1 of Claim 11 the phrase “the steps of” should be inserted after “comprising” and in line 5 of Claim 19 “connection” should be “connecting.”

Claim 11 is a statutory process claim comprising a list of actions to be performed. *See* M.P.E.P. § 2106(2)(b). Applicant does not want to invoke the “step-plus-function” claim format under 35 U.S.C. § 112, ¶ 6 and does not want to add the phrase “the steps of” to Claim 11. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection to Claim 11.

Claim 19 is amended herein as suggested by the Examiner. In view of this amendment, Applicant respectfully requests the Examiner to withdraw the objection to Claim 19.

The Examiner objects to Claim 12 as failing to further limit the subject matter of a previous claim, because Claim 12 is directed to structural limitations whereas Claim 11, from which Claim 12 depends, claims a method. Claim 12 is amended herein to recite only method steps. In view of the amendment, Applicant respectfully requests the Examiner to withdraw the objection to Claim 12.

### **Rejection of Claims 1-5, 11-16, and 20 Under 35 U.S.C. § 102 Based on McFeaters**

The Examiner rejects Claims 1-5, 11-16, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,303,345 to McFeaters (McFeaters). Applicant disagrees with the Examiner’s characterization of McFeaters as anticipating Claims 1-5, 11-16, and 20. Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-5, 11-16, and 20.

### ***The Present Application***

This application is directed to a flex grip fixture clamp that can be used to couple photographic equipment, such as a scrim, to a support member in a manner that allows the scrim to be positioned in a flexible manner. In one embodiment, the flex grip fixture clamp has a progressive support clamp, a biscuit clamp, and a ball joint. The progressive support clamp has a support member channel, a semispherical recess, and a handle. The support member channel is configured to receive a support member. The biscuit clamp has an accessory member channel configured to receive a component of an accessory. The ball joint has a ball that contacts the

semispherical recess. The ball joint interconnects the progressive support clamp and the biscuit clamp. The progressive support clamp can be actuated from an open position to a support member clamp position, which is an intermediate clamp position. The support member clamp position precludes movement of the fixture clamp with respect to the support member clamp and allows rotation of the ball. The progressive support clamp can be further actuated to a full clamp position. The position of the ball is fixed in the full clamp position. The flex grip fixture clamp greatly simplifies positioning of the biscuit clamp and an attached accessory. For example, the positioning can be achieved by manipulating a single handle rather than requiring manipulation of a multiplicity of knobs.

### ***McFeaters***

In a first embodiment shown in Figs. 1-5 of McFeaters, a pipe hanger comprises two clamps. One of the clamps engages a frame member 2 that forms the support, and the other clamp engages a pipe 3 to be supported. The clamp that engages the support comprises rigid jaws 4 adapted to embrace a flange of the frame member 2. One of the jaws has a clamping screw 5 seated therein. The clamp that engages the pipe 3 has two jaw members 6 and 7. Each jaw member has a concaved portion 8 to receive the pipe. Each jaw member also has a registering seat for a transversely extending clamping bolt 9. The inner face of each jaw member 6 and 7 is also formed with a concavity 10 to receive a ball projection 11 on the first described clamp member. This engagement forms a swivel ball-and-socket connection between the two clamps, whereby the clamp that engages the pipe may be rotated and also rocked on the ball 11 to enable the pipe to extend at a desired angle to the frame member 2. A second embodiment shown in Figs. 6-9 is similar to the first except that the rigid jaws 6 and 7 are mounted for rotary movement only on the ball projection 11 and are not capable of being rocked to any extent.

McFeaters states that “[w]hen the nut of the bolt 9 is tightened, it will not only firmly secure the pipe between the jaws 6 and 7, but said jaws will also be firmly secured in the desired adjustment on the ball 11” in Column 2, line 73. Thus, tightening bolt 9 *simultaneously* secures the jaws 6 and 7 (holding the pipe 8) and the ball 11 into *one* fixed position (see also Claim 1). Figures 2 and 6 also clearly illustrate that when the bolt 9 is tightened, the jaws 6 and 7 firmly clamp around both the pipe 8 and the ball 11, which fixedly secures both the pipe and the ball-and-socket connection.

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Thus, McFeaters teaches a pipe clamp having only *two* clamp positions: (1) an open position; and (2) a fully clamped position that simultaneously clamps the jaws about both the ball and the pipe.

***Claims 1-5***

In contrast to McFeaters, Claim 1 of the present application recites a flex grip fixture clamp comprising:

a progressive support clamp comprising:

a support member channel configured to receive a support member;

a semispherical recess; and

a handle;

a biscuit clamp comprising an accessory member channel configured to receive a component of an accessory; and

a ball joint comprising a ball selectably engageable with the semispherical recess, the ball joint interconnecting the progressive support clamp and the biscuit clamp,

wherein the progressive support clamp is actuatable via the handle from an open position to a support member clamp position, the support member clamp position precluding movement of the fixture clamp with respect to the support member and allowing rotation of the ball, and wherein the progressive support clamp is further actuatable to a full clamp position, the full clamp position fixing the position of the ball.

As discussed above, McFeaters does not teach or suggest, among other limitations, a progressive support clamp with an open position, a support member clamp position, and a full clamp position. In particular, McFeaters only suggests a first open position and a second fully clamped position. McFeaters does not suggest a support member clamp position in which the support member is clamped and the ball joint is allowed to move. Applicant respectfully submits that Claim 1 is patentably distinguished over McFeaters, and Applicant requests allowance of Claim 1.

Claims 2-5 depend from Claim 1 and further define the invention defined in Claim 1. For at least the reasons set forth above with respect to Claim 1 and in view of the additional limitations defined in each of the claims, Applicant respectfully submits that Claims 2-5 are

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patentably distinguished over McFeaters. Applicant respectfully requests allowance of Claims 2-5.

***Claims 11-16***

Claim 11 of the present application recites a method for positioning an accessory comprising:

- providing a flex grip fixture clamp comprising a progressive support clamp, an accessory clamp, and a ball joint that interconnects the progressive support clamp and the accessory clamp, the ball joint comprising a ball that is at least partially received by the progressive support clamp and a link member that extends to and is coupled with the accessory clamp;

- coupling an accessory with the accessory clamp;

- actuating the flex grip fixture clamp to an open position to enable the progressive support clamp to be coupled with a support member;

- actuating the flex grip fixture clamp to a support member clamp position, to clamp the support member without clamping the ball joint; and

- actuating the flex grip fixture clamp to a full clamp position, wherein the support member clamps the ball joint so that the position of the ball is fixed.

As discussed above with respect to Claim 1, McFeaters does not teach or suggest, among other limitations, the three clamp positions defined in Claim 11. Therefore, for at least this reason, Applicant respectfully submits that Claim 11 is patentably distinguished over McFeaters, and Applicant respectfully requests allowance of Claim 11.

Claims 12-16 depend from Claim 11 and further define the invention defined in Claim 11. For at least the reasons set forth above with respect to Claim 11 and in view of the additional limitations defined in each of the claims, Applicant respectfully submits that Claims 12-16 are patentably distinguished over McFeaters. Therefore, Applicant respectfully requests allowance of Claims 12-16.

***Claim 20***

In contrast to McFeaters, Claim 20 of the present application recites a flex grip fixture clamp comprising:

- a progressive clamp comprising:

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a support member channel configured to receive a support member;

a semispherical recess; and

a handle having at least an open position, a support member clamp position and a full clamp position;

a biscuit clamp comprising an accessory member channel configured to receive a component of an accessory; and

a ball joint comprising a ball selectably engageable with the semispherical recess, the ball joint interconnecting the progressive clamp and the biscuit clamp, the progressive clamp responsive to the handle being in the open position to enable movement of the progressive clamp with respect to the support member and to enable movement of the ball with respect to the progressive clamp, the progressive clamp responsive to the handle being in the support member clamp position to inhibit movement of the progressive clamp with respect to the support member and to enable movement of the ball with respect to the progressive clamp, and the progressive clamp responsive to the handle being in the full clamp position to inhibit movement of the progressive clamp with respect to the support member and to inhibit movement of the ball with respect to the progressive clamp.

As discussed above with respect to Claim 1, McFeaters does not teach or suggest, among other limitations, the three progressive clamp positions defined in Claim 20. Therefore, for at least this reason, Applicant respectfully submits that Claim 20 is patentably distinguished over McFeaters, and Applicant respectfully requests allowance of Claim 20.

#### **Rejection of Claim 6 Under 35 U.S.C. § 103(a) Based on McFeaters**

The Examiner rejects Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over McFeaters. Claim 6 depends from Claim 5, which depends from Claim 1. Claim 6 further defines the invention defined in Claims 1 and 5. As discussed above, Applicant respectfully disagrees with the Examiner's characterization of McFeaters as anticipating the invention defined in Claims 1 and 5. For example, McFeaters does not teach or suggest a clamp having the three support clamp positions defined in Claim 1. For at least the reasons set forth above with respect to Claims 1 and 5, and further in view of the additional limitations defined in Claim 6, Applicant respectfully submits that Claim 6 is patentably distinguished over McFeaters. Therefore, Applicant requests allowance of Claim 6.

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**Rejection of Claim 8 under 35 U.S.C. § 103(a) Based on McFeaters and Ito**

The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over McFeaters in view of U.S. Patent 4,577,989 to Ito (Ito). The Examiner suggests that it would have been obvious to have modified the ball joint in McFeaters to include the ring bearing as taught by Ito. Applicant respectfully traverses this rejection.

Claim 8 depends from Claim 1 and further defines the flex grip fixture clamp of Claim 1. As discussed above, McFeaters does not teach or suggest, among other limitations, the three support clamp positions defined in Claim 1. Applicant respectfully asserts that Ito also does not teach or suggest the three support clamp positions. In particular, the combination of McFeaters and Ito does not teach a progressive support clamp that is actuatable from an open position to a support member clamp position, the support member clamp position precluding movement of the fixture clamp with respect to the support member and allowing rotation of the ball, and that is further actuatable to a full clamp position, the full clamp position fixing the position of the ball.

Therefore, the proposed combination of McFeaters and Ito does not teach or suggest at least one limitation of Claim 1. For at least this reason, Applicant respectfully submits that Claim 1 is patentable over the combination of McFeaters and Ito. In view of the additional limitations defined in Claim 8, Applicant respectfully submits that, for at least these reasons, Claim 8 is patentably distinguished over the combination of McFeaters and Ito, and Applicant respectfully requests allowance of Claim 8.

**Rejection of Claims 9 and 10 Under 35 U.S.C. § 103(a) Based on McFeaters and Hartman**

The Examiner rejects Claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over McFeaters in view of U.S. Patent 600,642 to Hartman (Hartman). The Examiner suggests that it would have been obvious “to have modified the biscuit clamp (4) in McFeaters to have been the clamp (A,B) in Hartman.” Applicant respectfully traverses this rejection.

***Claim 9***

Claim 9 depends from Claim 1 and further defines the flex grip fixture clamp in Claim 1. As discussed above, McFeaters does not teach or suggest the three support clamp positions defined in Claim 1. Applicant respectfully asserts that Hartman also does not teach or suggest the three support clamp positions. In particular, the combination of McFeaters and Hartman does

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not teach a progressive support clamp that is actuatable from an open position to a support member clamp position, the support member clamp position precluding movement of the fixture clamp with respect to the support member and allowing rotation of the ball, and that is further actuatable to a full clamp position, the full clamp position fixing the position of the ball.

Therefore, the proposed combination of McFeaters and Hartman does not teach or suggest at least one limitation of Claim 1. For at least this reason, Applicant respectfully asserts that Claim 1 is patentable over the combination of McFeaters and Hartman. In view of the additional limitations defined in Claim 9, Applicant respectfully submits that, for at least these reasons, Claim 9 is patentably distinguished over the combination of McFeaters and Hartman, and Applicant respectfully requests allowance of Claim 9.

***Claim 10***

Claim 10 depends from Claim 9 and further defines the flex grip fixture clamp defined in Claim 9. For at least the reasons set forth above with respect to Claim 9 and in view of the additional limitations defined in Claim 10, Applicant respectfully submits that Claim 10 is patentably distinguished over McFeaters and Hartman. Therefore, Applicant respectfully requests allowance of Claim 10.

**Rejection of Claims 17 and 19 under 35 U.S.C. § 103 Based on McFeaters, Hartman, and Ito**

The Examiner rejects Claims 17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over McFeaters in view of Hartman and in further view of Ito. McFeaters, Ito, and Hartman are discussed above in connection with Claims 1, 8, 9, and 10.

***Claim 17***

The three references do not teach at least one limitation of Claim 17, which recites a grip head comprising:

a progressive support clamp having an elongate mounting arm, a ball joint portion, and a clamp actuating handle, the elongate mounting arm defining a first support member channel that extends along a central longitudinal axis of the elongate mounting arm, the ball joint portion defining a semispherical recess and a bearing recess positioned opposite the semispherical recess;



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a biscuit clamp having a plurality of support member channels configured to receive support rods of different sizes from a photographic accessory; and

a ball joint comprising the semispherical recess, a ball contacting the semispherical recess, a bearing that is received by the bearing recess, and a link member extending between the ball and the biscuit clamp,

wherein the progressive support clamp is actuatable from an open position to a support member clamp position, the support member clamp position clamping a support member in the support member channel without clamping the ball, and wherein the progressive support clamp is further actuatable to a full clamp position, the full clamp position clamping the support member in the support member channel and also clamping the ball to fix the position of the ball.

For example, McFeaters, Ito, and Hartman do not teach or suggest a progressive support clamp, which is actuatable between three positions, as defined in Claim 17. Applicant respectfully submits, for at least this reason, that Claim 17 is patentably distinguished over the combination of McFeaters, Hartman, and Ito, and Applicant respectfully requests allowance of Claim 17.

#### ***Claim 19***

Claim 19 depends from Claim 17 and further defines the grip head defined in Claim 17. For at least the reasons set forth above with respect to Claim 17 and in view of the additional limitations defined in the claim, Applicant respectfully submits that Claim 19 is patentably distinguished over McFeaters, Hartman, and Ito. Therefore, Applicant respectfully requests allowance of Claim 19.

#### **Request for Telephone Interview**

Should there be any questions or issues that may be resolved by a telephone interview, Applicant respectfully invites the Examiner to call the undersigned attorney of record, Andrew M. Douglas, at (949) 721-7623 (direct) or at the general office telephone number listed below.

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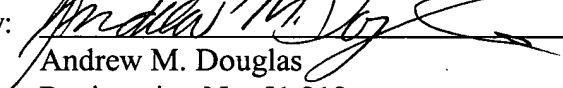
### CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 10, 2004

By:   
Andrew M. Douglas  
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Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

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